Remarks

The Final Official Action rejected claims 1-13, 15-19, 21 and 23-39. Claims 1, 6-11, 15, 18-19, 21, 23-26, 32 have been amended. Applicant respectfully requests reconsideration and allowance of the pending claims in the light of the points that follow.

Claims Objections

The Final Office Action objected claims 15 and 21 because of depending upon canceled claims. As suggested by Examiner, Applicant has amended claims 15 and 21 to respectively depend on claims 11 and 21. Reconsideration and withdrawal of the present objections are respectfully requested.

Claims Rejections Under 35 U.S.C. 102

The Official Action rejected claims 1-3, 6-8, 11-12, 18-19 and 32 under 35 USC 102(e) as being anticipated by Bantz et al. (US 2006/0107269). Applicant respectfully requests reconsideration and withdrawal of the present rejection.

As is well-established, in order to successfully assert a prima facie case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office Action has not succeeded in making a prima facie case.

Claims 1-3 and 6-8 rejections

Each of claims 1-3 and 6-8 requesting "determining that an input/output operation related to an input/output device happens <u>during execution of an application on a virtual machine of the client platform</u>" is unanticipated by Bantz.

The Final Office Action appears to rely on paragraph 0006, lines 6-8 and paragraph 0032, lines 2-7 of Bantz for the teaching of the input/output operation happening on the virtual machine of the client platform. Applicant respectfully disagrees. Paragraph 0032 of Bantz teaches an alternative embodiment that the virtual device hub is not used but the operating system of a remote platform is integrated with the device virtualization layer which emulates the functionalities of the virtual device hub.

Even though the remote platform of paragraph 0032 refers to the user as alleged in the Final Office Action, the device virtualization layer integrated into the operation system should not be regarded as a virtual machine on the user's machine. Applicant respectfully submits that a virtual machine may comprise an operating system and an application running on the operating system which may be manufactured independently from a host machine. Applicant can not understand how the device virtualization layer integrated into the operating system of the client machine makes up of a virtual machine running on the client machine.

Further, Applicant respectfully submits that the user of Bantz does not run an application which actually runs on the virtual machine of the server. Please refer to

lines 3-4 of paragraph 0009, lines 1-4 of paragraph 0010, lines 1-4 of paragraph 0011, lines 5-7 of paragraph 0025, and lines 5-6 of paragraph 0029, which teaches that the user machine does not perform any processing and the application is executed in the virtual machine instance of the server. Even though the device virtualization layer is regarded as being integrated into the operating system of the user machine as alleged in the Final Office Action, functionality of the device virtualization layer is performed within the operating system, but not executed as an application on the virtual machine.

In light of the above, Bantz teaches away from claims 1-3 and 6-8 which requests "determining that an input/output operation related to an input/output device happens during execution of an application on a virtual machine of the client platform". Therefore, claims 1-3 and 6-8 are allowable and withdraw of present rejection of claims 1-3 and 6-8 is respectfully requested.

Claims 11-12 and 18-19 rejections

For similar reasons proffered for claims 1-3 and 6-8, each of claims 11-12 and 18-19 requesting "constructing a feedback with the result and a virtual machine identifier to identify a virtual machine in the client platform that is executing an application when the input/output operation happens", is unanticipated by Bantz. Applicant respectfully requests the rejection of claims 11-12 and 18-19 be withdrawn.

Claim 32 rejections

For similar reasons proffered for claims 1-3 and 6-8, claim 32 reciting "determining that an input/output operation related to an input/output device happens during execution of an application on a virtual machine of the client platform", is unanticipated by Bantz. Applicant respectfully requests the rejection of claim 32 be withdrawn.

Claims Rejections Under 35 U.S.C. 103(Bantz/Kaneda)

The Office Action rejects claims 4-5, 9-10, 15-17, 23-31 and 35-39 under 35. U.S.C. 103 as being unpatentable over Bantz in view of Kaneda et al (US 4,860,190). Each of claims 4-5, 9-10, 15-17, 23-31 and 35-39 include one of claims 1, 6, 11, 18 and 32 as a base claim and are therefore allowable for at least the reasons stated above. Applicant respectfully requests the present rejection of claims 4-5, 9-10, 15-17, 23-31 and 35-39 be withdrawn.

Claims Rejections Under 35 U.S.C. 103(Bantz/Knauer)

The Office Action rejects claims 13, 21 and 33-34 under 35. U.S.C. 103 as being unpatentable over Bantz in view of Knauer et al (US2005/0198303). Each of claims 13, 21 and 33-34 include one of claims 11, 18 and 32 as a base claim and are therefore allowable for at least the reasons stated above. Applicant respectfully requests the present rejection of claims 13, 21 and 33-34 be withdrawn.

Other claim amendment

Applicant respectfully submits that subject matter of claims 6-10, 18-19, 21

and 23-25 has been changed into "tangible machine-readable medium" without

request from the Examiner. "Tangible machine-readable medium" is decided as a

statuary subject matter according to BAPI's decision to US Application 10/612,592 of

Jan. 11, 2010. Compared with "storage device", Applicant thinks that it is more

appropriate to use "tangible machine-readable medium" to cover tangible

embodiments as disclosed in the specification as well as other tangible embodiments

that are apparent to a skilled person.

<u>Conclusion</u>

The foregoing is submitted as a full and complete response to the Official

Action. Applicant submits that the application is in condition for allowance.

Reconsideration is requested, and allowance of the pending claims is earnestly

solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or

1.17, or any excess fee has been received, please charge that fee or credit the

amount of overcharge to deposit account #02-2666. If the Examiner believes that

there are any informalities, which can be corrected by an Examiner's amendment, a

telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,

Date: <u>January 28, 2010</u>

/Vincent H. Anderson/
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